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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,577	12/18/2001	Sung Woo Hong	9242.1	2471

7590 12/23/2003

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EXAMINER	
ARNOLD, ADAM	

ART UNIT	PAPER NUMBER
2671	4

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary	Application No.	Applicant(s)	
	10/024,577	HONG, SUNG WOO	
	Examiner	Art Unit	
	Adam Arnold	2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 June 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3, 4, 7, 11, 13, 14, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bratton, U.S. Patent Pub. No. 2003/0105678 A1. Referring to claim 1, Bratton discloses a system for distributing visual art comprising a global computer network (paragraph 17), a website connected to the network that displays on a monitor (paragraph 15), enabling a buyer to select at least one subject from a plurality of subjects (paragraph 19) and to select a payment source (paragraph 22). Bratton does not disclose drawings, or allowing the user to provide a mailing address where the drawings are sent. Rather, Bratton deals with video selections and provides a "content warehouse", where the user can store a library of viewable selections (paragraph 9). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to substitute an electronic storage facility rather than a mailing address. One of ordinary skill in the art would have been motivated to do this because an electronic storage facility is a place to receive and store the products just as a mailing address allows you to receive drawings and store them (in your home, for example). Moreover, video selections are not patentably distinguishable form drawings, because video can be considered a continuous flow of individual drawings.

Referring to claim 3, Bratton discloses where the web site includes a video viewable by the user (paragraph 9).

Referring to claim 4, the remarks presented above with regard to claim 1 apply equally to this claim.

Referring to claim 7, the video is delivered to a "content warehouse" (paragraph 9), which holds it and provides information about the selected object (i.e. filename, file size, etc.).

Referring to claim 11, the remarks presented above with regard to claim 1 apply equally to this claim.

Referring to claim 13, the remarks presented above with regard to claim 3 apply equally to this claim.

Referring to claim 14, the remarks presented above with regard to claim 7 apply equally to this claim.

Referring to claim 23, the remarks presented above with regard to claim 1 apply equally to this claim.

Referring to claim 25, the remarks presented above with regard to claim 3 apply equally to this claim.

Referring to claim 26, the remarks presented above with regard to claim 7 apply equally to this claim.

3. Claims 2, 5, 6, 8-10, 12, 15-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bratton in view of Sick, U.S. Patent Pub. No. 2003/0216971. Referring to claim 2, Bratton does not explicitly enable the buyer to select a time interval at which individual items are delivered to the buyer, although the buyer is apparently free to make his selections whenever he wishes. Sick discloses where the user is able to select the time period in which to compare rates (in this case, for purchasing energy, see paragraph 206). At the time the invention

was made, it would have been obvious to a person of ordinary skill in the art to allow the user to select the time interval at which items are delivered to the buyer. One of ordinary skill in the art would have been motivated to do this in order to provide the user with more control over their purchase, for example to consider when to expend the money.

Referring to claim 5, as pointed out in the rejection to claim 1 above, drawings or line sketches on a transparent film are not patentably distinguishable from video selections. Bratton, however, does not disclose a single sheet with plural drawings from each frame. Bratton does disclose a video selection with advertisements inserted in the program selections (paragraph 5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to allow the user to have a single sheet with plural drawings from each frame. One of ordinary skill in the art would have been motivated to do this because having a single sheet with plural drawings from each frame is analogous to a video selection with advertisements inserted in the program selection, i.e., one screen or sheet with multiple content.

Referring to claim 6, the remarks presented above with regard to claim 5 apply equally to this claim. Bratton does not disclose hand-painted drawings. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to allow the user to have hand-painted drawings in the animation. One of ordinary skill in the art would have been motivated to do this because (as pointed out in the rejection to claim 1 above), a video can be considered a continuous flow of individual drawings, regardless of how they are drawn.

Referring to claim 8, Bratton discloses promoting animation art, in that artists might be more productive in knowing that their work is protected by electronic licensing schemes such as these. Bratton does not explicitly disclose where the buyer is provided with a license indicating

a right to purchase an item, although the license in Bratton (paragraph 9) could be printed out on paper in which in would constitute a license card. Moreover, the other users with a license could be part of a "license holders" club. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to allow the user to have a license constitute a membership card and for license holders to be part of a membership club. One of ordinary skill in the art would have been motivated to do this because the purpose of a membership card is to show membership in a group or club, which the license in Bratton adequately fulfills.

Referring to claim 9, the remarks presented above with regard to claim 6 apply equally to this claim.

Referring to claim 10, the remarks presented above with regard to claim 5 apply equally to this claim. Bratton does not disclose where the transparent film of claim 5 is placed over a printed background scene. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to allow the user to place a transparent film over a background. One of ordinary skill in the art would have been motivated to do this because every video scene has to have a background (even if it is just a blank monochrome space).

Referring to claim 12, the remarks presented above with regard to claim 2 apply equally to this claim.

Referring to claim 15, the remarks presented above with regard to claim 8 apply equally to this claim.

Referring to claim 16, the remarks presented above with regard to claim 5 apply equally to this claim.

Referring to claim 17, the remarks presented above with regard to claim 5 apply equally to this claim.

Referring to claim 18, the remarks presented above with regard to claims 1 and 2 apply equally to this claim.

Referring to claim 19, the remarks presented above with regard to claim 3 apply equally to this claim.

Referring to claim 20, the remarks presented above with regard to claim 7 apply equally to this claim.

Referring to claim 21, the remarks presented above with regard to claim 8 apply equally to this claim.

Referring to claim 22, the remarks presented above with regard to claim 5 apply equally to this claim.

Referring to claim 24, the remarks presented above with regard to claim 5 apply equally to this claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Adam Arnold** whose telephone number is **703-305-8413**. The examiner can normally be reached Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600